

### DECLARATION FOR PATENT APPLICATION

As a below named inventor, I (we) hereby declare that my (our) residence, post office address and citizenship are as stated below next to my (our) name; I (we) believe that I am (we are) the original, first and sole inventor(s) (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention (Design, if applicable) entitled:

NUCLEIC ACID MOLECULE, METHOD AND KIT FOR SELECTING A NUCLEIC ACID HAVING A DESIRED FEATURE

the specification of which (check one): X is attached hereto; \_\_\_\_\_ was filed on \_\_\_\_\_ as application serial No. \_\_\_\_\_ and was amended on (or amended through) \_\_\_\_\_ (if applicable); was filed on \_\_\_\_\_ as International Application (PCT) No. \_\_\_\_\_ and amended on \_\_\_\_\_ (if applicable). I (we) hereby state that I (we) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I (we) acknowledge the duty to disclose information known by me (us) to be material to the patentability of my (our) invention in accordance with Title 37, Code of Federal Regulations, § 1.56(a). I (we) hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application which priority is claimed.

I (We) hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application which priority is claimed.

Prior Foreign Application(s)			Priority Claimed	
(Number)	(Country)	(Day/Month/Year Filed)	YES	NO
(Number)	(Country)	(Day/Month/Year Filed)	YES	NO

I (we) hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I (we) acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior art application and the national or PCT international filing date of this application:

(Appl. No.)	(Filing date)	(Status-Patented, Pending or Aband.)
(Appl. No.)	(Filing date)	(Status-Patented, Pending or Aband.)


I (we) hereby declare that all statements made herein of my (our) own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** I (we) hereby appoint as my (our) attorneys, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Garabed NAHABEDIAN (Reg. No. 29,507); Thierry ORLHAC (Reg. No. 29,497); Alain PROVOST (Reg. No. 33,143), Nathali JODOIN (Reg. No. 41,558), Louis-Pierre GRAVELLE (Reg. No. 44,429) and Luc MORIN (Reg. No. 44,430), whose professional address is 55 St Jacques, Montreal, Quebec, Canada, H2Y 3X2.

Full name of First or Sole Inventor  Christian LANCTOT	Citizenship  CANADIAN
Residence Address-Street 4000 KINDERSLEY, #305	Post Office Address-Street 4000 KINDERSLEY, #305
City MONTREAL	City MONTREAL
State or Country Zip QUEBEC, CANADA, H4P 1K8	State or Country Zip QUEBEC, CANADA, H4P 1K8
Date AUGUST 16, 2000	Signature Christian Lanctot

Full name of second Inventor  Pierre MOFFAT	Citizenship  CANADIAN
Residence Address-Street 2910 TERR. J.S. AIME ASHBY	Post Office Address-Street 2910 TERR. J.S. AIME ASHBY
City LACHINE	City LACHINE
State or Country Zip QUEBEC, CANADA, H8S 4H9	State or Country Zip QUEBEC, CANADA, H8S 4H9
Date AUGUST 16, 2000	Signature Pierre Moffat

Full name of third Inventor Patrick SALOIS	Citizenship CANADIAN
Residence Address-Street 10142 ST-HUBERT	Post Office Address-Street 10142 ST-HUBERT
City MONTREAL	City MONTREAL
State or Country    Zip QUEBEC, CANADA, H2C 2H5	State or Country    Zip QUEBEC, CANADA, H2C 2H5
Date August 16, 2000	Signature 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Christian LANCTOT et al.

Assignee: PHENOGENE THERAPEUTIQUES INC.

Application filed: herewith

For: NUCLEIC ACID MOLECULE, METHOD AND KIT FOR SELECTING A  
NUCLEIC ACID HAVING A DESIRED FEATURE

**ASSOCIATE POWER OF ATTORNEY**

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
U.S.A.

Sir:

Please recognize as my associate attorneys in the above-identified application Karoline K.M. Shair, Reg. No. 44,332, Brenda Herschbach Jarrell, Reg. No. 39,223, Sam Pasternack, Reg. No. 29,576, Elizabeth E. Nugent, Reg. No. 43,839, Valarie B. Rosen, Reg. No. 45,698, Stanley C. Mah, Reg. No. 46,189, Monica R. Gerber, Reg. No. P46,724, Charles Hunter Baker, Reg. No. P46,533 and Kevin M. Tormey, Reg. No. 41,351.

Send all correspondence to :

Choate, Hall & Stewart  
Exchange Place  
53 State Street  
Boston, Mass 02109-2891  
USA

RESPECTFULLY SUBMITTED

BY:

  
Louis-Pierre Gravelle  
Registration No. 44,429

August 16, 2000

Applicant or Patentee: Christian LANCTOT et al.

Serial or Patent No.: \_\_\_\_\_ No.: \_\_\_\_\_

Filed or Issued: \_\_\_\_\_

For: NUCLEIC ACID MOLECULE, METHOD AND KIT FOR SELECTING A NUCLEIC ACID HAVING A DESIRED FEATURE

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

( ) the owner of the small business concern identified below:

(X) an official of the small business concern empowered to act on behalf  
of the concern identified below:

NAME OF CONCERN: PHENOGENE THERAPEUTIQUES INC.

ADDRESS OF CONCERN: 6100 AVENUE ROYALMOUNT, MONTREAL, QUEBEC, CANADA, H4P 2R2

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.1301 through 121.1305, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled

NUCLEIC ACID MOLECULE, METHOD AND KIT FOR SELECTING A NUCLEIC ACID HAVING A DESIRED FEATURE

by inventor(s) Christian LANCTOT, Pierre MOFFAT and Patrick SALOIS

described in:

(X) the specification filed herewith

( ) application serial No. \_\_\_\_\_ filed on \_\_\_\_\_

( ) patent No. \_\_\_\_\_ issued on \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

( ) INDIVIDUAL

( ) SMALL BUSINESS CONCERN

( ) NONPROFIT ORGANIZATION

( ) See attached sheet for additional person(s), concern(s) or organization(s)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardise the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Christian LANCTOT

TITLE OF PERSON OTHER THAN OWNER Chief-Scientist

ADDRESS OF PERSON SIGNING 4000 Kindersley, #305, Montreal, Quebec, Canada, H4P 1K8

SIGNATURE Christian Lanctot

DATE: AUGUST 16, 2000